

**MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL REGULAR
MEETING HELD ON WEDNESDAY, MARCH 21, 2018 AT 6:00 P.M. IN
THE CITY COUNCIL CHAMBERS**

MAYOR: Tonita Gurulé-Girón

COUNCILORS: Barbara A. Casey
Vincent Howell
David L. Romero
David A. Ulibarri, Jr.

ALSO PRESENT: Ann Marie Gallegos, Interim City Manager
Casandra Fresquez, City Clerk
David Silva, Acting City Attorney
Chris Lopez, Sergeant at Arms

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Councilor Ulibarri, Jr. asked for a moment of silence to pray for the health of two friends who were sick in the hospital and to pray for their families as well.

APPROVAL OF AGENDA

Interim City Manager Ann Marie Gallegos made the recommendation to remove Consent Agenda Item #3 and move to Business Item #2 for further discussion regarding an update from City Attorney David Silva.

Councilor Casey made a motion to approve the amended agenda. Councilor Romero seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

| | | | |
|------------------------|-----|-----------------|-----|
| David A. Ulibarri, Jr. | Yes | Vincent Howell | Yes |
| Barbara A. Casey | Yes | David L. Romero | Yes |

City Clerk Fresquez re-read the motion and advised that the motion carried.

APPROVAL OF MINUTES

Councilor Ulibarri, Jr. made a motion to approve the minutes with corrections already addressed. Councilor Casey and Councilor Romero seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

| | | | |
|------------------|-----|------------------------|-----|
| Vincent Howell | Yes | David A. Ulibarri, Jr. | Yes |
| Barbara A. Casey | Yes | David L. Romero | Yes |

City Clerk Fresquez re-read the motion and advised that the motion carried.

MAYOR'S APPOINTMENTS/REPORTS

Mayor Gurulé-Girón advised that there were no appointments or reports at this time.

MAYOR'S RECOGNITIONS/PROCLAMATIONS

Mayor Gurulé-Girón advised that there were no recognitions or proclamations at this time.

PUBLIC INPUT

Allan Affeldt, Lodger's Tax Board member spoke in support of the proposed Lodger's Tax increase, he stated that the increase could possibly generate \$50,000.00-\$100,000.00 a year that would go to Capital Improvement projects. He informed that the Lodger's Tax Board had been discussing and hoping to propose taking \$20,000.00 from the fund to construct a set of documents to implement the "Wayfinding" and signage project and encouraged the governing body to support the proposal.

Wid Slick gave an update regarding the \$92,000.00 marketing program for 2018, funded by New Mexico Tourism and the Lodger's Tax and advised that there was

a two page ad designed by Media Coordinator, Virginia Marrujo in the New Mexico Annual True Adventure Guide. He spoke of the Summer Billboards design which would be up on I-25 between Santa Fe and Albuquerque and between Las Vegas and Raton which would be viewed by 3.9 million passers-by, including 30,000 commuters from Santa Fe and Albuquerque. Mr. Slick advised that the billboard to promote Cinco de Mayo would be up and later replaced with Fiestas, Rough Rider Motorcycle Rally, Heritage Week, etc. and reported that they were already in preparation of applying for the 2019 New Mexico Tourism grants.

Marshall Poole gave a monthly update for February for the Animal Welfare Coalition. He reported that 179 dogs were taken in, 103 were transported to various agencies in Colorado and stated that 26 were adopted, 24 animals were returned to their owners and 25 volunteers donated 300 hours. Mr. Poole mentioned the continuing issue of 90% or more of dogs coming into the shelter not having proof of rabies vaccines. Mr. Poole advised that there was a 10-day observance hold for dogs who have bitten someone and reported the number of bite holds for 2015-(36), 2016-(21), 2017-(17) and year to date (4). Mr. Poole advised, that in light of the recent fire that occurred, a fire plan was put in place for the Animal Shelter with the Bernalillo County services in case of a need for evacuation.

Tim Hagaman with the Secretary Economic Development gave a report regarding marketing ideas that were being implemented which were great opportunities to increase the City's GRT which included Amtrak Improvements (TIGER Grant-\$60,000,000.00), Transportation Plant Update (Steam Engine Locomotive-Test Run-2019), Airport Aviation Update Plan (\$5,000.00 awarded to EDC). Mr. Hagaman spoke about the Real Pathways Grant (NEEDO) which would contribute to projects such as Expiration/Trade-Santa Fe Trail/Route 66, Cowboys & Conflict and Dinosaurs & Digs.

Mayor Gurulé-Girón thanked Mr. Hagaman for his report and for following up with the TIGER Grant and stated it was very important not to lose funding in that area due to Amtrak being very critical to the future existence of this community and the railway as well. She stated that she believed the steam engine test run would take place in 2018 and asked Mr. Hagaman what had changed regarding the test run taking place in 2019.

Mr. Hagaman advised that the testing would be taking place this year in Albuquerque, however the infrastructure was not in place yet for the test run in Las Vegas and informed that the target date for Las Vegas was for 2019.

Mayor Gurulé-Girón asked Mr. Hagaman if he would give Council an update on Federal funding cuts to our Senior Citizens and cuts that might adversely affect programs in our community.

Mr. Hagaman advised that he did not have the information at the present time although would obtain the information and bring back to Council.

Lalo Sanchez thanked Interim City Manager Gallegos for having the crosswalks painted on North Gonzales although stated that that area was not as important enough as the area of North Gonzales to Mills Plaza. Mr. Sanchez spoke of several issues regarding the problem of having too many repeat offenders for drunk driving.

CITY MANAGER'S REPORT

Interim City Manager Gallegos asked Interim Chief of Police Chris Lopez for an update on the fire that had occurred earlier that day.

Interim Chief of Police Chris Lopez advised that the fire occurred off of I-25, and that at this point the Fire Department had control of the fire.

Mayor Gurulé-Girón commended and thanked Chief Billy Montoya and the Fire Department for the exceptional manner of addressing the fire.

Interim City Manager Gallegos advised that she would possibly have Fire Chief Montoya observe the KFUN area for dry and dangerous situations.

Utilities Director Gilvarry spoke regarding the "4 Wards in 4 Weeks" clean-up program for the first week, reporting that 65 City employees along with 16 city residents had put in 248 hrs in a 6 day period. She advised they would continue with Ward 2 next week and asked everyone for their continued support.

Mayor Gurulé-Girón advised Council if they had volunteers that wanted to help with the clean-up program to contact Maria Gilvarry and stated that there would possibly be another city clean-up in August or September.

Utilities Director Gilvarry advised these clean-up programs would help to re-institute the KAB program and that they were looking into ways of cutting costs regarding the disposing of tires. She explained the benefits of shredding tires to mulch which would be more cost effective than sending to Wagon Mound.

Interim City Manager Gallegos advised of the Special Meeting taking place on March 28, 2018 at 5:00 p.m. in the City Council Chambers regarding the discussion on the Special Audit Exit Conference and that it would include all Council members.

FINANCE REPORT

Interim Finance Director Tana Vega presented the Finance Report for the month ending February 28, 2018 with 67% of the year lapsed. She reported the General Fund revenue at 71% and expenditures totalling 57%.

Interim Finance Director Vega presented the Two Year Analysis of Gross Receipt Taxes based on cash basis. She reported the total GRT tax collected through February was \$5,075,620.70 and it reflected 65% of all revenues.

Interim Finance Director Vega informed that the revenue for the Recreation Department came in at 57% and expenditures came in at 59%.

Interim Finance Director Vega reported 65% revenue for the Enterprise Funds with expenditures at 57%.

Interim City Manager Gallegos and Interim Finance Director Vega thanked the departments and directors for their help in controlling their department expenditures.

CONSENT AGENDA

City Clerk Fresquez read the Consent Agenda as follows:

1. Approval of Resolution #18-16 Budget Adjustment Resolution.

Resolution 18-16 was presented as follows:

STATE OF NEW MEXICO
MUNICIPALITY OF CITY OF LAS VEGAS
RESOLUTION 18-16
FISCAL YEAR 2017-2018
BUDGET ADJUSTMENT REQUEST

WHEREAS, The Governing Body in and for the Municipality of Las Vegas, State of New Mexico has developed a budget adjustment request for fiscal year 2017-2018; and

WHEREAS, said budget adjustment request was developed on the basis of need and through cooperation with all user departments, elected officials and other department supervisors, please see attached schedule; and

WHEREAS, the City of Las Vegas is in need of making budget adjustments in the 2017-2018 fiscal year budget; to include an increase of \$8,706 Grant funding - Senior Ctr. Grant, \$25,000 - CLG Grant and \$25,000 as matching from Capital Improvement Funds, \$1,224 increase in the NMFA Debt Service for payment of Interest and Principal, and \$629,813 increase for the Water Grants - Bradner Dam Legislative Appropriation (carryover funds).

WHEREAS, it is the majority opinion of this governing body that the budget adjustment request is approved and meets the requirements as currently determined for fiscal year 2017-2018;

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Municipality of the City of Las Vegas, State of New Mexico hereby approves the budget adjustment request herein above described and respectfully requests approval from the Local Governing Division of the Department of Finance and Administration.

RESOLVED: In session this 21st day of March, 2018.

Tonita Gurule-Giron, Mayor

ATTEST:

Casandra Fresquez, City Clerk

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY ONLY:

Interim City Attorney

2. Approval to award request for proposals #2018-17 for printing and mailing services to The Master's Touch for the Utilities Department.

Councilor Casey made a motion to approve the Consent Agenda. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

| | | | |
|------------------------|-----|-----------------|-----|
| David A. Ulibarri, Jr. | Yes | Vincent Howell | Yes |
| Barbara A. Casey | Yes | David L. Romero | Yes |

City Clerk Fresquez re-read the motion and advised that the motion carried.

BUSINESS ITEMS

1. Conduct a public hearing and Approval/Disapproval to adopt Ordinance No. 18-01.

Councilor Casey made a motion to go into a Public Hearing. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

| | | | |
|------------------|-----|------------------------|-----|
| David L. Romero | Yes | David A. Ulibarri, Jr. | Yes |
| Barbara A. Casey | Yes | Vincent Howell | Yes |

City Clerk Fresquez re-read the motion and advised that the motion carried.

City Clerk Fresquez asked anyone who wished to speak on the issue, to stand and be sworn in. Maria Gilvarry was sworn in.

Utilities Director Maria Gilvarry advised that this loan was for the purpose of obtaining funding in the amount of \$4,570,000.00 with interest for financing the acquisition of water storage rights. The loan will be repaid from the distributions of the revenues from GRT. The funding agency requires that the loan be approved through ordinance. She added that this was for the acquisition of a perpetual easement in Storrie of 800 acre feet and informed that this would supplement the existing storage that the City has, with approximately 300 acre feet at Bradner Dam and 200 acre feet at Peterson Dam which was plenty for the community. Utilities Director Gilvarry advised they would attend the NMFA Board Meeting where the ordinance would be presented for approval to award to the City of Las Vegas.

Councilor Howell made a motion to accept the record proper and to close Public Hearing. Councilor Casey and Councilor Ulibarri, Jr. seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

| | | | |
|------------------|-----|------------------------|-----|
| Barbara A. Casey | Yes | David L. Romero | Yes |
| Vincent Howell | Yes | David A. Ulibarri, Jr. | Yes |

City Clerk Fresquez re-read the motion and advised that the motion carried. Councilor Casey made a motion to reconvene into regular session. Councilor Romero seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

| | | | |
|------------------|-----|------------------------|-----|
| Vincent Howell | Yes | David A. Ulibarri, Jr. | Yes |
| Barbara A. Casey | Yes | David L. Romero | Yes |

City Clerk Fresquez re-read the motion and advised that the motion carried.

Councilor Howell made a motion to approve to adopt Ordinance No. 18-01. Councilor Romero seconded the motion.

Ordinance 18-01 was presented as follows: - *Due to length of document, a complete copy may be obtained at the City of Las Vegas, City Clerk's Office.*

Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

| | | | |
|------------------|-----|------------------------|-----|
| Barbara A. Casey | Yes | David A. Ulibarri, Jr. | Yes |
| Vincent Howell | Yes | David L. Romero | Yes |

City Clerk Fresquez re-read the motion and advised that the motion carried.

2. Approval to publish Ordinance #18-02 amending Chapter 389-4 and 389-15A2 Imposition of tax and use of monies.

Media Coordinator Virginia Marrujo advised that the City of Las Vegas Lodgers Tax Advisory Board is regulated by NMSA Lodgers Tax Act 3038-13-3-38-24, NMSA 6-6-4.1, and by City of Las Vegas Ordinance Chapter 389-1 to 389-18. City council is charged with administering the funds and the board is to make recommendations for the expenditure of funds authorized pursuant to this article for advertising, publicizing and promoting tourist related attractions, facilities and events in the City.

Acting City Attorney David Silva advised that he recommended amending Ordinance 18-02 regarding Section 389-15 and to divide Section A into Sections A & B to mirror the language in State Statute 3-38-1 and that the sole purpose was for more clarity.

Councilor Casey asked if the Lodger's Tax Board had been notified of the amendment.

Acting City Attorney advised that the Lodger's Tax Board had not been notified of the changes.

Mayor Gurulé-Girón recommended to Acting City Attorney Silva, that in the future, to provide the language to Council, at least three days prior to the meeting. She commended him on the language and that it was consistent with what the expectation was of the Lodger's Tax Advisory Board.

Councilor Casey advised that the recommended changes she had requested at the previous Work Session were not included in the ordinance regarding Section 389-4 Imposition of tax to read, "There is hereby imposed an occupancy tax of 5% of gross taxable rent for lodging paid to vendors within the City".

Interim City Manager Gallegos advised that the changes would be made on the final ordinance.

Councilor Howell made a motion to approve to publish Ordinance #18-02 amending Chapter 389-4 NS 389-15A2 Imposition of tax and use of monies, with the amended recommendations from Acting City Attorney David Silva and Councilor Barbara Casey. Councilor Casey and Councilor Ulibarri, Jr. seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

| | | | |
|-----------------|-----|------------------------|-----|
| David L. Romero | Yes | Barbara A. Casey | Yes |
| Vincent Howell | Yes | David A. Ulibarri, Jr. | Yes |

City Clerk Fresquez re-read the motion and advised that the motion carried.

COUNCILORS' REPORTS

Councilor Casey asked Interim City Manager Gallegos if the records requested regarding the break down of the expenses for the Night at the Legislature were available.

Interim City Manager Gallegos advised that she believed that collections were still being reviewed and would provide them when they became available.

Councilor Casey advised Interim City Manager Gallegos she had information to provide to the City Attorney regarding an individual who had been hurt recently during the time of taking a city tour.

Councilor Howell informed they had a discussion at the last Council meeting regarding making a motion during Councilors' Reports and asked Acting City Attorney if he had obtained any verification from the Municipal League.

Acting City Attorney Silva advised that he spoke with the Municipal League Attorney and stated that in his opinion, Councilor Howell's specific request to add something to the agenda would be more of an Administrative issue and should be allowed to be placed on the agenda.

Acting City Attorney Silva added that he looked up both the New Mexico State Statute and local ordinances and found that the Las Vegas procedures adopted in July 17, 2002, stated that under Article 2, Section 2.1D stated, "*the agenda along with introductions and related material shall be available to each member of the governing body at least 5 days in advance of the meeting*". He stated that another portion of the City's ordinance under Chapter 14-7, Section D, last sentence stated, "*additional items may be added to the agenda by unanimous consent of the members of the governing body*". Mr. Silva stated that conflicted with Municipal League Attorney Randy Vansleck's legal opinion, that it could be added.

Councilor Howell clarified to Acting City Attorney Silva that his last statement reflected adding an item to the current agenda although stated that *his* motion was to place an agenda item in the future for the next Council meeting which went in to the perimeters of 5 days and also 72 hours time frame in order to be placed and would also need a second motion, a vote to be called and a majority vote to be placed on the next meeting's agenda.

Acting City Attorney Silva stated that according to the legal opinion of the Municipal League Attorney, he would agree with the motion made by Councilor

Howell and that he felt that the Open Meetings Act was not violated although advised that when he spoke with the Municipal League Attorney, he was not aware of the additional Section D.

Councilor Howell stated that regarding Section D, at the time he motioned for a Special Audit was passed with a majority vote.

Mayor Gurulé-Girón stated that at the time in which the three Council members requested the special audit and to censure the Mayor, they did not request to put that item on the agenda therefore the 72 hour notice regarding the Open Meetings Act was not met. She added that any item that becomes an action item must be placed on the agenda before they vote on it and that Council voted on the item before being placed on the agenda for the upcoming meeting. Mayor Gurulé-Girón stated that regarding the issue of advertising for a position, the Charter stated that the Mayor appoints and did not state that it was put out for advertising for a position and advised Council to review the City Charter for clarification. She deferred the question to City Clerk Fresquez regarding the process of filling out the form to add an action item to the agenda.

City Clerk Fresquez agreed with the process of filling out the form to request a Special Meeting.

Councilor Howell clarified that when he made a motion for the Special Audit, that it was for 5 days in the future, was in the perimeter of the timeframe required and the Special Audit was voted on at the Special Meeting.

Further discussion took place regarding the censure not being placed on the agenda.

Acting City Attorney Silva advised that the Municipal League Attorney recommended that he review Section 3-12-12.

Councilor Howell advised that he had received a request from community members regarding the repainting of the Caboose on South Grand Avenue.

Councilor Ulibarri, Jr. wanted to thank everyone for the good job during the Ward 1 clean-up although some areas were missed and recommended doing a walk-through of the ward in the future. He addressed potholes on Romero and National

as well as on Lopez and Santa Ana Streets and added that some customers advised the issue of not receiving their Utility bills.

Interim City Manager Gallegos and Utilities Director Gilvarry reminded that there had been issues regarding the previous company not distributing bills for two billing cycles and were now working with customers regarding billing issues.

Mayor Gurulé-Girón thanked the Finance Department staff for all their hard work regarding working on three audits and was confident everything would work out well.

Councilor Casey made a request to give the Acting City Attorney Silva clarification on issues regarding voting on the Special Audit meeting and the Censure. She asked that he review meeting minutes of September 2017 Regular meeting, September 20th, 29th and December 20th so that he would have a better idea of issues that came about to get to this point of still having confusion, of what can or cannot be motioned.

Mayor Gurulé-Girón advised Councilor Casey that the directive had already been given to the Acting City Attorney and if she was requesting a different directive, it would have to be approved by the entire board which was consistent with policy. She stated that if it was not approved by the entire board, the motion would die and would kill the initial motion. Mayor Gurulé-Girón advised that she would not recommend this at this point in time due to there being confusion and thought that the Acting City Attorney was clear as to what he had to do.

EXECUTIVE SESSION

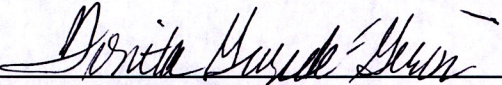
Interim City Manager Gallegos advised that there was no need to go into Executive Session.

ADJOURN

Councilor Casey made a motion to adjourn. Councilor Romero seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

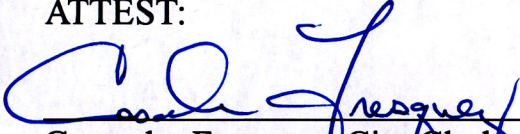
| | | | |
|------------------------|-----|-----------------|-----|
| David A. Ulibarri, Jr. | Yes | Vincent Howell | Yes |
| Barbara A. Casey | Yes | David L. Romero | Yes |

City Clerk Fresquez re-read the motion and advised that the motion carried.



Mayor Tonita Gurulé-Girón

ATTEST:



Casandra Fresquez City Clerk